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A fresh current of concern about the long-neglected rights of prisoners has begun to flow through the court system of our country. Until recently, courts almost uniformly refused to have much to do with the criminal defendants who crowded their dockets after they had their day in court and had been sentenced. Once the prison door was closed, most courts felt their responsibility toward the convict had ended. They agreed with the Fifth Circuit Court of Appeals when it stated in *Platek v. Aderhold*:[1]

> The prison system of the United States is under the control of the Attorney-General and Superintendent of Prisons, and not of the District Courts. The court has no power to interfere with the conduct of the prison or its discipline. . . .[2]

The prisoner had few if any rights. A prisoner, according to an 1871 opinion of the Virginia Supreme Court of Appeals, was less than a person. He was nothing more than "the slave of the State."[3]

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* A.B., University of Alabama, 1921; LL.B., Harvard University, 1924; United States Representative from the 11th District of Florida; Chairman, Select Committee on Crime.

1. 73 F.2d 173 (5th Cir. 1934).

2. *Id.* at 175. *Platek* was not an unusual response. *See* 18 U.S.C. § 4001 (1970); Pope v. Daggett, 350 F.2d 296 (10th Cir. 1965); Carter v. United States, 333 F.2d 354 (10th Cir. 1964); Tabor v. Hardwick, 224 F.2d 526 (5th Cir. 1955); Powell v. Hunter, 172 F.2d 330 (10th Cir. 1949).

3. Ruffin v. Commonwealth, 62 Va. (21 Gratt.) 790, 796 (1871). While more recent decisions are not clothed in such blunt language, the net result is often the same; Kostal v. Tinsley, 337 F.2d 845, 846 (10th Cir. 1964) (where prisoner challenged warden's right to impose solitary confinement for an alleged attempted escape: "The discretion of the prison officials on matters purely of discipline, within their powers, is not open to review.") *See also*, People v. Russell, 245 Ill. 268, 91 N.E. 1075, 1076 (1910):

> There follows from the judgment a loss of civil rights, which practically deprives the convict of his citizenship unless restored thereto by a pardon. There remain to him . . . only his mere personal rights, by virtue of which his life, his liberty, and his property are protected from deprivation. He has become an alien in his own country. . . .

See 110 U. OF PA. L. REV. 985 (1961-62).

This lack of concern marked a serious abdication of responsibility by the agencies that could and should have been prime movers for reform in the correctional system. Prisoners are, after all, instruments of the court. In sentencing a defendant, the judge is, theoretically, removing the convict from society for a period not only to effect punishment but, even more importantly, to reform the offender so that he can return to society as a useful citizen who will not return to criminal ways.

An examination of the most recent annual criminal statistics compiled by the Federal Bureau of Investigation clearly shows that the prison system is a failure. Of the 37,884 offenders arrested on federal charges in 1970, 25,909, or 68 percent, had previously been arrested on a criminal charge.[4] These statistics show that these offenders had criminal records spanning an average of five years and five months from the first to the last arrest, but, in that period, had been arrested an average of four times each for a total of 158,000 charges. Prior convictions of the federal offenders arrested in 1970 totalled 52,936 with 22,240 imprisonments of six months or more during their crime careers.[5] The F.B.I. Report emphasized that these figures were a conservative estimate of the national recidivism rate since it is based upon police detection, arrest, and submission of a fingerprint card. Since most crimes are not solved by law enforcement agencies and since the submission of data is often erratic, the rate of recidivism is probably considerably understated by this report.

It is the thesis of this article that criminal recidivism is our number one crime problem: prisons, rather than reforming inmates, are actually breeding grounds for further and more serious criminal careers, and courts have a prime responsibility to oversee and correct the abuses in our prisons. Crime should be punished, but the corrections process must be just and sensitive to the rights of its inmates lest their respect for the system by further diminished and the resulting hostility lead to further crimes. This article will examine several recent federal cases which reflect an encouraging trend toward realization by courts that reform of the correctional system must begin with the recognition that prisoners are human beings with rights that must be protected even during incarceration.

I.

In *Johnson v. Avery*,[6] the Supreme Court demonstrated an increased awareness of the prisoners' right of access to the courts and probably stimu-

4. 1970 UNIFORM CRIME REPORTS FOR THE UNITED STATES 37.
5. *Id.*
6. 393 U.S. 483 (1969).

lated greater numbers of prisoner petitions to require courts to assert their authority against abuse of prisoners' rights. The Court held that, unless a state provides a reasonably adequate alternative, it may not prohibit inmates from helping others to prepare post-conviction petitions.[7] By barring inmates from assisting others in the preparation of writs or in other legal matters while providing no system of assistance by public defenders or others, the state was denying prisoners, particularly the indigent, the federal right of habeas corpus and

> [s]ince the basic purpose of the writ is to enable those unlawfully incarcerated to obtain their freedom, it is fundamental that access of prisoners to the courts for the purpose of presenting their complaints may not be denied or obstructed.[8]

The Court discerned a procedural inequity in the judicial supervision and control of prison conditions in that the initial burden for relief was placed on the prisoner himself, since counsel is usually appointed only after a post-conviction relief petition has been initially evaluated and a determination made that issues raised require further examination in an evidentiary hearing. When the prisoner is indigent and no independent system of free legal assistance exists, his claim will never be heard unless he is able to find help from "writ writers" within the prison itself.

It was particularly significant that the only dissenters, Justices White and Black, did not disagree with the need for legal assistance for prisoners but merely the means for effecting such relief.[9] They argued that, by protecting "jailhouse lawyers," the Court could be impairing the prisoner's rights since low quality petitions, drafted by amateurs concerned more often than not solely with personal profit and power, would usually result. The dissenters would go further than the Court and would

> not in effect . . . sanction and encourage spontaneous jailhouse lawyer systems but . . . decide the matter directly in the case of a man who himself needs help and in that case . . . rule that the State must provide access to the Courts by ensuring that those who cannot help themselves have reasonably adequate assistance in preparing post-conviction papers.[10]

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7. The petitioner, a state prisoner who had prepared petitions for post conviction relief for other prisoners, had been placed in solitary confinement and denied certain privileges for this assistance. For a fine treatment of the constitutionality of statutes in relation to treatment and discipline of convicts, *see* 50 A.L.R. 104.

8. 393 U.S. at 485. *See, e.g.*, Smith v. Bennett, 365 U.S. 708 (1961) (state may not validly make habeas corpus writ available only to those prisoners who can pay the filing fee).

9. *See* 393 U.S. at 498.

10. *Id.* at 501-02. Justices White and Black address their concern to the reality that:

> . . . the jailhouse lawyer often succeeds in establishing his own power structure, quite apart from the formal system of warden, guards, and trusties

The rationale of *Johnson* was recently affirmed in a cursory per curiam opinion, *Younger v. Gilmore*.[11] That case upheld a district court decision to the effect that the equal protection clause of the fourteenth amendment requires California to make available enough legal research material to indigent prisoners to insure access to courts and knowledge equal to that of more affluent prisoners.[12]

The *Johnson* decision has also, in the past year, prompted one court to carefully evaluate the system of legal relief available to state prisoners.[13] Texas attempted to provide an alternative to jailhouse lawyers by hiring a full-time lawyer and several law students to assist the 12,000 inmates in the state's prison system. Some access was also provided to law books and a small law library was created. A class action was brought by several prisoners to challenge a rule under which they were severely punished for assisting in the preparation of legal papers. In *Novak v. Beto*, the United States Court of Appeals for the Fifth Circuit held that the state had not shown its alternative legal aid program to be adequate and struck down the prisoner-assistance rule without prejudice to the right of Texas to later demonstrate that their program had been sufficiently augmented.[14] Cases such as these will likely improve the quality of legal assistance available to prisoners and, through better documentation of abuses within the prison system, lead to a greater degree of supervision and reform of the corrections system through court action.

Fortunately, the reversal of the hands-off attitude of the courts toward prisons has even reached to prison discipline—an area where judicial intervention has been particularly needed but which has uniformly been considered an executive function beyond the consideration of the courts except in the most extreme cases of administrative abuse.[15] In *Sostre v. Rockefel-*

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which the prison seeks to maintain.
Id. at 500.

11. 404 U.S. 15 (1971).

12. For the lower court opinion, *see* Gilmore v. Lynch, 319 F. Supp. 105 (N.D.Cal. 1970). Citing Gideon v. Wainwright, 372 U.S. 335 (1963), Douglas v. California, 372 U.S. 353 (1963); and Griffin v. Illinois, 351 U.S. 12 (1956), the district court posited that:

> The right under the equal protection clause of the indigent and uneducated prisoner to the tools necessary to receive adequate hearing in the courts has received special reinforcement by the federal courts in recent decades.

319 F. Supp. at 109.

13. Novak v. Beto, 453 F.2d 661 (5th Cir. 1971), *rehearing en banc denied*, 456 F.2d 1303 (1972).

14. The Circuit maintained that ". . . Johnson v. Avery places the burden of justifying its regulation against inmate legal assistance on the State. . . ." 453 F.2d at 664.

15. *See* note 2 *supra*.

ler,[16] a New York federal district court and the U.S. Court of Appeals for the Second Circuit considered the constitutional rights of a state prisoner subject to summary punishment for alleged misconduct.

When Martin Sostre, an out-spoken Black Muslim, accomplished "jail-house lawyer," and former inmate, was sentenced on March 18, 1968 to a lengthy term in the New York prison system, he probably returned to jail with the knowledge that he would be received with hostility. The state reacted predictably to this known "trouble-maker" by initially secluding him overnight in the now famous Attica prison and then transferring him summarily to Green Haven Prison where he was held in solitary confinement for several days. His release into the general prison population lasted only a few months, and he was then returned to solitary confinement (defined by the prison as "punitive segregation") for over one year because of his refusal to discontinue rendering legal advice and assistance (including the lending of legal materials to other inmates), a statement in a letter that he would "be out soon," and his refusal to answer questions about the Republic of New Africa, an organization he mentioned in a letter to his attorney.[17] Except for a period of four months in which he had a cellmate, Sostre was kept isolated from the other prisoners, placed on a restricted diet, allowed shaving and showering privileges with hot water only once a week, denied 124 1/3 days of "good time credit" while so confined, refused permission to work, and denied privileges available to other prisoners such as access to the prison library, television and movie rights, and participation in educational or training programs.

All these disciplinary actions were summary in nature. No administrative hearing was held prior to punitive confinement to determine guilt or innocence; no written notice of the charges against him was given to the prisoner. Conversations with the warden regarding his conduct were not recorded. Nor has any record kept of the warden's decision to punish him. Hence, the reviewing courts had no written statements for determining the reasons for Sostre's punishment nor the findings upon which it was based.[18]

After one year of confinement, the prisoner filed suit in the United States District Court for the Southern District of New York, seeking injunctive relief and damages under the Civil Rights Act of 1871,[19] claiming that his confinement violated the eighth and fourteenth amendments and that failure

16. 312 F. Supp. 863 (S.D.N.Y. 1970), *aff'd in part, rev'd in part, mod. in part,* 442 F.2d 178 (2d Cir. 1971).
17. 312 F. Supp. at 867-69.
18. *Id.* at 868.
19. 42 U.S.C. 1983 (1970).

to hold an administrative hearing prior to punishment constituted a denial of liberty contrary to fourteenth amendment due process requirements.

A temporary restraining order resulting in Sostre's release from solitary confinement was followed by a district court opinion, which was probably the most far-reaching and unequivocal declaration ever made of prisoner's rights and of judicial enforcement of those rights made to that time. The decision held his "punitive segregation," without notice or a hearing before an impartial official at which he could be represented by counsel and cross-examine his accusers, had violated Sostre's constitutional rights;[20] further, that no written record had been kept of the hearings containing the supporting reasons and evidence was in violation of fourteenth amendment due process requirements.[21] Numerous other violations of the plaintiff's civil rights were found, including: punishment disproportionate to the gravity of the offenses, the imposition of unconstitutional forms of restraint and conditions, punishment for political and religious expression, the right of free access to the courts and, through censorship of his mail, effective assistance of counsel. The opinion marked a firm and comprehensive statement of the protective procedures that must be followed before a prisoner can be subjected to serious punishment by prison officials. Finding that his confinement constituted cruel and unusual punishment, the district court became the first federal court to award monetary damages of a compensatory and punitive nature to an inmate of a state prison for improper disciplinary actions.

The Second Circuit reversed that portion of the district court's holding that Sostre's confinement constituted cruel and unusual punishment. But the Circuit did find conditions to be egregious enough to warrant payment of $9,300 compensatory damages ($25 per day for each day in solitary confinement), though not punitive damages.[22] However, such compensation could not be collected from the state because of its immunity and could be collected only against the official who has performed the deeds of misconduct—an impossibility in this case because the warden died after suit was brought. The reviewing court also narrowed the lower court's ruling that all trial-type elements of due process requirements which it cited would be necessary in every prison disciplinary proceeding, but specifically stated that it was not holding

> . . . that discipline in New York prisons may be administered arbitrarily or capriciously. We would not lightly condone the absence of such basic safeguards against arbitrariness as adequate

20. 312 F. Supp. at 369-70.
21. *Id.*
22. 442 F.2d at 205, n.52.

> notice, an opportunity for the prisoner to reply to charges lodged against him, and a reasonable investigation into the relevant facts—at least in cases of substantial discipline.[23]

The court also enjoined prison officials from deleting material from or refusing to mail or give to the prisoner communications between himself and courts, public officials or agencies, or lawyers regarding his criminal conviction, and complaints related to the administration of the prison in which he was incarcerated. Finally, prison officials could not punish Sostre for political or religious literature in his possession and had to restore his "good time" credit.[24]

A recent New Jersey federal district court opinion has extended certain minimal procedural protection to prisoners who are segregated for the sole purpose of preserving order in the institution. *Urbano v. McCorkle*[25] held that, in such circumstances, a balancing test must be applied to weigh the need for swift institutional preservation of order and fairness to the prisoner and that

> . . . before a prisoner is removed from the general population of an institution and placed in segregation, he should be notified in writing of the charges and nature of the evidence against him and be given a reasonable opportunity to explain away the accusation.[26]

The court indicated that, in emergency situations, such process could be delayed, but only for a short period. It is interesting to note the court's reliance on the *Sostre* case.[27]

In another recent per curiam opinion,[28] the Supreme Court made it considerably easier for state prisoners' grievances to be heard in federal courts. They held that courts can no longer treat civil rights actions brought by prisoners on account of intolerable confinement conditions as disguised habeas corpus suits conditioned upon exhaustion of state remedies since such suits are supplementary to state remedies.[29]

This decision brought to an apparent end a long dispute as to whether New York prisoners complaining of unconstitutional prison conditions have

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23. *Id.* at 203.
24. *Id.* at 204.
25. 334 F. Supp. 161 (D.N.J. 1971).
26. *Id.* at 168. *See also* Nolan v. Scafati, 306 F. Supp. 1 (D. Mass. 1969), *vacated on other grounds*, 430 F.2d 548 (1st Cir. 1970); United States *ex rel.* Keen v. Mazurkiewicz, 306 F. Supp. 483, 485 (E.D. Pa. 1968); Smoake v. Fritz, 320 F. Supp. 609 (S.D.N.Y. 1970).
27. 334 F. Supp. at 167-68.
28. Wilwording v. Swenson, 404 U.S. 249 (1971). *See also* Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968).
29. 404 U.S. at 251. The Court relied heavily on Johnson v. Avery, 393 U.S. 483 (1969).

a remedy, other than habeas corpus, in the federal courts. A reluctant Chief Judge Friendly, speaking for the Second Circuit in *Rodriguez v. McGinnis*,[30] decided that a state prisoner would no longer have to seek exhaustion of state remedies before requesting civil rights relief in federal courts. At least until the Supreme Court clarifies its short decision in *Wilwording v. Swenson*,[31] we can expect many more prisoner civil rights suits in our federal courts.

In *Haines v. Kerner*,[32] the Supreme Court indicated its intent to maintain a broad supervisory power over the disciplinary actions of state prisons. Here, a lower court's summary dismissal of a prisoner's suit to recover civil rights damages for injuries allegedly suffered was reversed. The lower court's decision was premised on its belief that the plaintiff's petition did not show the existence of necessary "exceptional circumstances" which, it maintained, must be present before a federal court could inquire into the internal operations of state penitentiaries.[33] The plaintiff had been placed in solitary confinement after hitting another prisoner in the head with a shovel and claimed that such confinement aggravated a previous foot injury and a circulatory ailment. The Supreme Court, while not deciding the merits of the prisoner's allegations, held that a prisoner's petition is subject to "less stringent standards than formal pleadings drafted by lawyers," and, applying these standards, the present case did not show "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."[34] Therefore, he was allowed the opportunity to present proof as to the validity of his allegations.

In *Sinclair v. Henderson*,[35] the District Court for the Eastern District of Louisiana refused to accede to the petitioner's request that it promulgate regulations to assure state prisoners of due process in the imposition of punitive segregation since this would be contrary to the role it found traditional and appropriate to its relationship to the prison system. Despite its use of the language of the traditional "hands-off" policy, the Court did require prison officials to meet three basic principles of due process required by the fourteenth amendment:

1. There must be rules and regulations officially promulgated by prison authorities and communicated to the prisoner apprising

30. 456 F.2d 79 (2d Cir. 1972) (en banc).
31. The Supreme Court could restrict *Wilwording* to limit its effect to states such as Missouri, where there is no remedy to exhaust with regard to state prisoner-treatment grievances, and where there is no provision for judicial hearings on this subject.
32. 404 U.S. 519 (1972), *rehearing den.* 405 U.S. 948 (1972).
33. 427 F.2d 71 (9th Cir. 1970).
34. 404 U.S. at 520-21, *citing* Conley v. Gibson, 355 U.S. 41, 45-46 (1957).
35. 331 F. Supp. 1123 (E.D. La. 1971).

> him of what conduct can subject him to serious discipline, what penalty he can expect and the procedure by which such a determination will be made . . .
> 2. The prisoner must be given official written notice of the specific charge against him.
> 3. Before serious punishment (such as punitive segregation) can be imposed, the prisoner involved must be given a hearing at which he will have an opportunity to be heard.[36]

The court also held that the Angola State Prison policy of allowing prisoners sentenced to death only a fifteen minute period of exercise per day, and even that only while bathing, constituted cruel and unusual punishment. Regular periods of outdoor exercise were ordered.[37]

The new activist role assumed by the federal courts to prevent abuses of prisoners' Constitutional rights, particularly violations of due process requirements, rights to counsel, and eighth amendment protection against cruel and unusual punishment is probably no more evident than in the United States District Court for the Eastern District of Virginia's landmark decision in *Landman v. Royster*.[38] In a well-documented study of the disciplinary procedures in the entire Virginia state prison system, the court presented extensive case histories to demonstrate the many ways in which the system was unconstitutionally abusive of prisoners' rights. Certain forms of discipline were found to be imposed without meeting the requirements of procedural due process. For example, many disciplinary actions were taken without use of an impartial tribunal or a hearing in which the prisoner was represented by a lay adviser. Certain sanctions, such as bread and water diets, were found to be impermissible. Also, certain prison regulations authorizing punishment for such acts as "agitation," "misbehavior," and "misconduct" were held to be unconstitutionally vague and, therefore, void.

The court's order covered the points above and others such as the right of access to the courts and counsel by way of confidential mail or interviews in prison, restrictions on the use of force or tear gas against prisoners, and limitations and controls on forced restraint or nudity of a prisoner. Significantly, it included the means by which its sweeping directives could be enforced and pointed toward a continuing supervisory role by it over the state system. The defendants were ordered to prepare and file with the court within fifteen days a list of rules and regulations outlining conduct expected of each inmate with maximum and minimum punishments for violation of the rules. Prison officials were required to inform all prisoners of the regu-

36. *Id.* at 1129.
37. *Id.* at 1129-30.
38. 333 F. Supp. 621 (E.D. Va. 1971).

lations and penalties. The prison officials were ordered to report within twenty days on any steps taken in compliance with its order. Continuing supervision was specified by a requirement that a concise report of each future incident in which physical restraints or tear gas is used in connection with or against any inmate be filed with the court within five days of any such incident, along with a description of the time period in which such restraints were used and the reason for such use.

The enlightened attitude of the Virginia federal court was also shown by a more recent Second Circuit decision which cited the *Landman* decision in granting injunctive relief to Attica prisoners against repetition of violence by guards who had inflicted threats and physical abuses against prisoners after the rebellion of September, 1971.[39]

II.

Part of the reason that the prison system has deteriorated and prisoners have been abused is our absence of knowledge of what goes on behind prison walls. Inmates are often economically deprived and poorly educated, with little voice in the councils of government. Letters sent from prisons are often censored and do not receive general attention. Courts are now recognizing that conditions in our prisons should be a matter of general concern and, like trials, should be given some coverage in our press. While freedom of the press in reporting trials has long been a jealously guarded and protected first amendment guarantee on the theory that the public has a right to know how its courts are conducted as a check against abusive conduct by the judiciary, similar rights have not been extended to reporters who want to write stories on prisons.

In recent cases, the federal courts have been moving to extend the light of publicity to conditions in our prisons. The First Circuit has held that prisoners have the right to communicate with the press by uncensored mail concerning prison management, treatment of offenders, or personal grievances.[40] In another case, *Washington Post v. Kleindienst*,[41] first amendment rights to report on prison conditions have been extended to reporters. The *Washington Post* sought permission to send one of its experienced reporters to interview certain prisoners at Lewisburg and Danbury federal penitentiaries in connection with a series of articles it was preparing on prison conditions. They requested permission only to interview certain specified prisoners who had indicated a willingness to be interviewed and stated they would agree to

39. Gonzalez v. Rockefeller, — F.2d — (2d Cir. 1971).
40. Nolan v. Fitzpatrick, 451 F.2d 545 (1st Cir. 1971).
41. — F. Supp. — (D.C., filed April 5, 1972).

reasonable restrictions on the time and place of their interviews so long as the interviews were not censored and the conversations overheard by prison officials. The Director of the United States Bureau of Prisons, Norman A. Carlson, denied this request on the basis of a Bureau Policy Statement prohibiting any interviews of prisoners under their control regardless of the reason for the request or the status or offense of the prisoner sought to be questioned.[42]

The *Post* was particularly interested in obtaining the interviews because of reports it had received that several inmates who had led work stoppages that had been ended without violence were being punished by being placed in solitary confinement, maced, deprived of medical care, and treated harshly in other respects despite assurances by prison officials that the leaders would not be punished if the stoppage was ended peacefully. The information had been received from letters to relatives and Congressional sources.

The court concluded that, while there are areas of absolute privacy which the press cannot invade, no law can deprive prisoners of their right to speech through communication with the press since conviction "does not automatically deprive prisoners of rights guaranteed under the Constitution."[43] Judge Gesell's opinion stressed the policy reasons why the public has an interest in permitting the press access to prisoners as well:

> The press can be superficial, overly persistent and sometimes lacking in objectivity, but nonetheless the need to grant substantial press access to prisoners is readily apparent. Prisons are public institutions. The conduct of these institutions is a matter of public concern. Whenever people are incarcerated, whether it be a prison, an insane asylum, or an institution such as those for the senile and retarded, opportunity for human indignities and administrative insensitivity exists. Those thus deprived of freedom live out of the public's view. It is largely only through the media that a failure in a particular institution to adhere to minimum standards of human dignity can be exposed. . . .[44]

The court recognized that the Bureau of Prisons had opened the prisons to press inspection without prisoner interviews and had permitted confidential mail communication between prisoners and the press. Among the policy reasons cited for restricting interviews were the "considerations of administrative convenience and possible disciplinary or other difficulties which undue press attention to particular inmates may engender."[45] Nevertheless, the court found the interview prohibition to be "too all-inclusive" and held

42. Bureau of Prisons Policy Statement No. 1220.1A, Feb. 11, 1972.
43. *Id.* at 4 (advance mimeo opinion).
44. *Id.*
45. *Id.* at 5.

that individual interviews should not be denied unless a clear threat of administrative or disciplinary problems could be shown to exist. Holding that the blanket denial of interviews violated the first amendment, the court ordered the Bureau to draw its regulations more precisely to prohibit interviews "only where it can be clearly established that serious administrative or disciplinary problems are being created."[46] The *Post* interview requests were denied because the court found that, after its complaint had been filed, the Bureau of Prisons had made a reasonable compromise offer for group interviews without supervision or censorship under certain time and place restrictions.

III.

All of the decisions discussed in this article reflect a healthy new concern for the condition of our prisons and a realization that today's mistreated prisoner may become tomorrow's criminal. I conclude with an observation made in the *Washington Post* decision and the hope that the trend envisioned, which is reflected by these decisions, continues. The court wrote:

> The quality of a society may be measured by the manner in which it treats its criminal offenders. There is now, fortunately, a growing concern in this area expressed by the Executive, the Courts, and the bar. Much wider press interest and more general public concern should be encouraged.[47]

46. *Id.* at 9.
47. *Id.* at 8.